

EXHIBIT 6

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -
HONORABLE GEORGE H. WU
UNITED STATES DISTRICT JUDGE PRESIDING
- - -

THE CALIFORNIA INSTITUTE OF)
TECHNOLOGY,)
)
PLAINTIFF,)
) CASE NO.:
VS.) CV 16-3714-GW
)
BROADCOM LIMITED, ET AL.,)
)
DEFENDANT.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(A.M. SESSION)

WEDNESDAY, JANUARY 22, 2020

LOS ANGELES, CALIFORNIA

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11:52:24 1 don't think she suggested some sort of impropriety.

11:52:38 2 (Side bar concluded.)

11:52:49 3 MR. MUELLER: Your Honor, perhaps we could make
11:52:53 4 clear there was no suggestion of impropriety.

11:52:57 5 MR. DeFRANCO: We're not going to get into
11:52:59 6 discovery disputes.

11:53:01 7 Q. I'm just asking you, which you gave, just about the
11:53:02 8 information you used and information you didn't have because
11:53:04 9 you didn't receive it. Fair enough?

11:53:01 10 A. Yes.

11:53:01 11 Q. We should stay away from any fights the parties had
11:53:11 12 during the discovery phase in the case. Okay?

11:53:11 13 A. Yes.

11:53:11 14 THE COURT: Not that there were any. It was a love
11:53:21 15 fest all around.

11:53:21 16 BY MR. DeFRANCO:

11:53:21 17 Q. Now, you have been here throughout this trial; is that
11:53:21 18 correct from opening statements?

11:53:21 19 A. I have. There were a couple of witnesses that I wasn't
11:53:22 20 here for, but I read their transcripts.

11:53:32 21 Q. And did you hear defendant's counsel statement in
11:53:32 22 opening that Broadcom would have taken a license to Caltech
11:53:32 23 patents in this hypothetical negotiation, they would have
11:53:42 24 agreed to pay money that would cover all of the folks who
11:53:42 25 used Broadcom chips in their products downstream, for

11:53:49 1 example, Samsung, Sony and Motorola. Did you hear that?

11:53:49 2 A. I did hear that.

11:53:53 3 Q. Do you agree with that?

11:53:55 4 A. I do not. That is not correct.

11:53:56 5 Q. Why not?

11:53:57 6 A. The hypothetical negotiation that we're talking about is
11:54:00 7 only as it pertains to Apple and Broadcom and the Apple
11:54:04 8 related infringement and Broadcom's infringement related to
11:54:09 9 Apple and these imports into the U.S. That's it. Those are
11:54:11 10 all we looked at. Those are the only chips at issue in this
11:54:11 11 case.

11:54:11 12 Q. Did you also here a statement in defendant's opening
11:54:11 13 that the theory, they meaning Caltech, the theory they were
11:54:21 14 offering to you that Broadcom would take a license that
11:54:21 15 covers anyone who might use Broadcom chips except for Apple,
11:54:31 16 and then Apple would contact Caltech, arrange their own
11:54:31 17 license and pay five times as much as Broadcom, do you agree
11:54:31 18 with that scenario?

11:54:41 19 A. No. That is not the scenario of a hypothetical
11:54:42 20 negotiation and it's very confusing and misleading because it
11:54:52 21 injects this idea of this cross-talk. This hypothetical
11:54:52 22 negotiation is simply a method to try and estimate what's
11:54:52 23 adequate to compensate for the alleged infringement. There
11:55:02 24 isn't any license that results from it or agreements or what
11:55:02 25 have you. It's a simply a way in which we attempt to

11:55:10 1 estimate what royalty would be reasonable based on the
11:55:13 2 infringement that's alleged here.

11:55:15 3 So there wouldn't be instances where Broadcom's
11:55:18 4 calling up Apple or Apple's calling up other customers, none
11:55:23 5 of that would occur. This cross-talk, this idea there's a
11:55:26 6 license agreement, none of that happened. This is simply our
11:55:31 7 hypothetical negotiation is the paradigm.

11:55:34 8 The second thing as I said before, these other
11:55:37 9 customers they're not part of this. This is simply the
11:55:41 10 infringement that's alleged against Broadcom and the
11:55:41 11 infringement that's alleged against Apple. So other
11:55:41 12 customers and the other chips that Broadcom sold aren't part
11:55:51 13 of what we're talking about here in terms of the analysis and
11:55:51 14 information I'm presenting.

11:55:51 15 Q. And just looking at the numbers you presented here
11:56:01 16 without mentioning on the record any particular specific
11:56:01 17 number, please, apart from these numbers were there
11:56:01 18 additional WiFi chips with LDPC codes that Broadcom sold
11:56:11 19 during the relevant time period here that are not included in
11:56:20 20 these numbers?

11:56:21 21 A. Yes. There's other WiFi chips that Broadcom sold to
11:56:22 22 other end customers, not Apple end customers, like Samsung
11:56:32 23 and Walway are two other big Broadcom customers. None of
11:56:32 24 those chips are part of the -- the design wasn't related to
11:56:42 25 the Galaxy, for example, the Samsung phones, none of that's

11:56:45 1 in here. That's not part of this case, but those are chips
11:56:49 2 Broadcom sold.

11:56:51 3 Q. And I briefly want to take you through some of your work
11:56:53 4 schedules, charts you prepared that rolled up into these
11:56:57 5 numbers on this exhibit that is not objected to. There
11:57:00 6 should be in Volume III of your binder please. There's
11:57:06 7 PTX 1474. If you could just look at that and tell us what
11:57:13 8 you used it for?

11:57:15 9 A. Exhibit 1474 is the total number of chips that Broadcom
11:57:21 10 has reported as sold during the period May 26th of 2010
11:57:24 11 through August 4th of 2019.

11:57:31 12 Q. And PTX 1471 is that another one of your work documents?

11:57:34 13 A. It is.

11:57:36 14 Q. What is that?

11:57:38 15 A. 1471 is a summary of Apple's U.S. sales of devices with
11:57:44 16 accused Broadcom chip sets during the period, second quarter
11:57:51 17 of 2010 through the third quarter of 2019. So this is
11:58:01 18 May 2010 through September of 2019.

11:58:04 19 Q. And PTX 1476?

11:58:12 20 A. PTX 1476 is a summary of total Broadcom sales of accused
11:58:18 21 chips to Apple during the period of May 26, 2010 through
11:58:24 22 August 4, 2019 by chip number.

11:58:26 23 Q. And PTX 1480.

11:58:29 24 A. PTX 1480 is a summary of Broadcom accused chips imported
11:58:35 25 by Broadcom excluding the Apple sales, that Broadcom imported